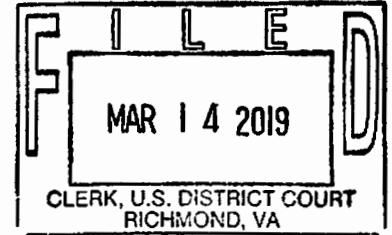


**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**



ANDY SIRAK and GALINA SIRAK,

Plaintiffs,

v.

MYRON TERRELL AIKEN and  
WESTERN EXPRESS,

Defendants.

Civil Action Number:

3:19cv179

**COMPLAINT**

Plaintiffs, Andy Sirak and Galina Sirak, PRO SE, respectfully allege as follows:

**NATURE OF THE CASE**

1. This is a civil action for personal injuries suffered by Plaintiffs, Andy Sirak and Galina Sirak, against Defendants, Myron Terrell Aiken and Western Express. This action arises out of an automobile accident and Battery that occurred on December 8, 2016, at the Pilot Travel Center, 6721 Emmaus Church Road, New Kent, Virginia. As a result of the accident and battery Plaintiff, Andy Sirak suffered serious physical injury. The Defendants' negligence was the direct cause of the Plaintiff's injuries.

**PARTIES**

2. Plaintiffs, Andy Sirak and Galina Sirak are individuals and citizens of the State of Illinois. Plaintiff, Andy Sirak is an over the road truck driver. Plaintiff, Galina Sirak is a homemaker and employed part time.

3. Defendant, Myron Terrell Aiken is an individual and citizen of the State of Georgia. Defendant is a truck driver.

4. Defendant, Western Express is a corporation and a citizen of the State of Tennessee.

### **VENUE AND JURISDICTION**

5. This court has original jurisdiction over this action under 28 U.S.C. §1332, in that the amount of controversy exceeds Seventy-Five Thousand Dollars (\$75,000) and Plaintiffs are citizens of the State of Illinois which is different from the State of Georgia and the State of Tennessee where each respective Defendant resides. The location of the incident which gives rise to this cause of action was New Kent, Virginia.

6. Venue is proper in this District, because the underlining incident which gives rise to this cause of action occurred within the jurisdictional limits of this court being New Kent County, Virginia.

### **FACTUAL ALLEGATIONS**

#### **Plaintiff, Andy Sirak**

7. On December 8, 2016, Andy Sirak was employed by REAL Trucking Inc. as an owner-operator truck driver.

8. Mr. Sirak resided in Wheeling, Illinois.

9. Mr. Sirak's job was based out of the REAL Trucking Inc.'s truck yard in Broadview, Illinois.

10. Upon information and belief, on December 8, 2016, Mr. Sirak had lawfully and safely parked his semi-tractor and trailer at the Pilot Truck Center, 6721 Emmanus Church Road, New Kent, Virginia.

11. Upon information and belief, on December 8, 2016, Plaintiff was standing at the median strip near the fuel pumps, when Defendant, Myron Terrell Aiken, operated his semi-truck negligently and with disregard to pedestrians in the area.

12. Defendant, Myron Terrell Aiken, struck Plaintiff with his semi-truck, specifically with the front bumper mirror of his vehicle.

13. Defendant, Myron Terrell Aiken operated his semi-truck carelessly, negligently, and too fast to reduce his speed to avoid an accident..

14. As a result of the accident, the Plaintiff, Andy Sirak suffered serious injuries to include contusions to his face and torso, a fractured rib, and a fractured foot.

15. Immediately after the accident, the Defendant, Myron Terrell Aiken, exited his vehicle and approached Plaintiff. Defendant thereupon committed an Assault and Battery to the Plaintiff by striking him about the head and body with his fists.

16. Defendant, Myron Terrell Aiken was at all times relevant an employee, agent, contractor, sub-contractor, in the employment of Defendant, Western Express.

**FIRST CAUSE OF ACTION**  
**[Negligence]**

17. The allegations set forth in paragraphs 1 through 16 of this Complaint are re-alleged and incorporated by reference as if fully set forth herein.

18. Defendant, Myron Terrell Aiken had a duty to operate his semi-truck in a reasonably safe manner.

19. Defendant, Myron Terrell Aiken breached his duty to operate his semi-truck in a reasonably safe manner as to not endanger other drivers or pedestrians to include the Plaintiff, Andy Sirak.

20. It was reasonably foreseeable that, by failing to operate his semi-truck safely, with reasonable care, and to reduce speed to avoid other vehicles and pedestrians, due to the dangerous weather and roadway conditions, the Defendant, Myron Terrell Aiken

would cause injury to other drivers or pedestrians to include the Plaintiff, Andy Sirak.

21. Defendant, Myron Terrell Aiken's negligent failure to operate his vehicle in a reasonably safe manner, and in particular failing to yield to a pedestrian, to reduce speed, directly caused and/or contributed to Mr. Sirak's injuries.

22. As a result of the Defendants, Myron Terrell Aiken and Western Express's negligence in failing to operate his semi-truck in a reasonably safe manner, the Plaintiff, Andy Sirak suffered actual damages. These damages include pain and suffering, permanent disfigurement, medical bills and related costs of treatment, lost work time and income.

**SECOND CAUSE OF ACTION**  
**[Battery]**

23. The allegations set forth in paragraphs 1 through 22 of this Complaint are re-alleged and incorporated by reference as if fully set forth herein.

24. Defendant, Myron Terrell Aiken knowing committed an Assault and Battery upon the Plaintiff by striking the Plaintiff about the head and body with his fists without legal justification.

25. As a direct result of the Assault and Battery the Plaintiff suffered serious bodily injury and emotional distress.

**THIRD CAUSE OF ACTION**  
**[Loss of Consortium]**

26. The allegations set forth in paragraphs 1 through 21 of this Complaint are re-alleged and incorporated by reference as if fully set forth herein.

27. Prior to injuries suffered by Plaintiff, Andy Sirak he was an adult person in good physical and mental condition and was a faithful and dutiful husband to Plaintiff, Galina Sirak.

28. Plaintiff, Andy Sirak, is and was at all times herein mentioned, the Husband of Plaintiff, Galina Sirak. As a proximate result of the aforesaid-described acts and conduct of the Defendants, Myron Terrell Aiken and Western Express, the injuries to her Husband, Plaintiff Galina Sirak has lost and continues to lose the love, moral, beneficial and economic support, affection, society, companionship and solace of her Husband, and has thereby sustained a pecuniary loss in a sum within the jurisdictional limits of this court which will be stated according to proof.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs, demand the following relief against Defendants:

- A. Awarding actual damages resulting from Defendants' wrongdoing in excess of \$200,000.
- B. Pre-judgment and post-judgment costs, interest and attorney's fees;
- C. Such other and further relief as this Court may deem appropriate and equitable.

Respectfully submitted,

  
Andy Sirak, Plaintiff

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